

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ORDER

Pending before the Court is Square D Company's ("Square D") Motion to Strike Count II of the Amended Complaint Or, In the Alternative, Motion for More Definite Statement [Doc. # 23]. For the reasons set forth below, the Court grants Square D's Motion.

I. Background

Deborah Strid (“Strid”) filed her Complaint in state court alleging disability discrimination against Square D, which was her former employer. Square D removed the case to this Court. Square D subsequently filed a Motion to Dismiss Strid’s Complaint and, in response, Strid moved to amend her Complaint. The Amended Complaint attached to Strid’s Motion contained only one count. The Court granted Strid’s Motion to File First Amended Complaint and denied Square D’s Motion to Dismiss as moot.

In the Amended Complaint she actually filed with the Court, Strid added a second count that alleged that Square D wrongfully disclosed her private medical information.

See Amended Complaint [Doc. # 22]. Strid's second count was not in the Complaint attached to her Motion for Leave to File Amended Complaint. *See* Doc. # 19. Square D, in its Motion, seeks to strike Count II of Strid's Amended Complaint because Strid did not receive permission to file it. Thus, the issue before the Court is whether Strid properly filed Count II of her Amended Complaint.

II. Discussion

Strid's Motion to Amend was misleading in that the complaint that was attached to her Motion was not the same as the Amended Complaint that she subsequently filed.

The Court acknowledges that striking a party's pleadings is "an extreme measure" and motions to strike are "viewed with disfavor and infrequently granted." *Stanbury Law Firm v. I.R.S.*, 221 F.3d 1059, 1063 (8th Cir. 2000) (internal quotations omitted). However, it is unacceptable for a party to present one document for approval and then substitute another document. Because Strid has not properly sought leave to file Count II of her Amended Complaint, Square D's Motion to Strike Count II is granted.

III. Conclusion

Accordingly, it is hereby

ORDERED that Square D's Motion to Strike Count II of Strid's Amended Complaint Or, In the Alternative, Motion for More Definite Statement [Doc. # 23] is GRANTED.

s/ Nanette K. Laughrey

NANETTE K. LAUGHREY
United States District Judge

DATE: April 28, 2006
Jefferson City, Missouri